

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4981

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROJAS CRUZ-CORREA, a/k/a Gabriel Cabrera,
a/k/a Omar Lopez-Correa, a/k/a Vincente
Castillo-Cabrera,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. Frank W. Bullock, Jr.,
District Judge. (CR-03-278)

Submitted: June 24, 2004

Decided: June 29, 2004

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen III, Federal Public Defender, John A. Dusenbury,
Jr., Assistant Federal Public Defender, Greensboro, North Carolina,
for Appellant. Anna Mills Wagoner, United States Attorney, Angela
Hewlett Miller, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Rojas Cruz-Correa, a native and citizen of Mexico, appeals his conviction and ninety-month prison sentence following his guilty plea to illegal reentry into the United States after having been removed subsequent to conviction for an aggravated felony, in violation of 8 U.S.C. § 1326(a), (b)(2) (2000). Cruz-Correa's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious grounds for appeal but addressing whether the district court erred by imposing a ninety-month sentence. Cruz-Correa has been informed of his right to file a pro se supplemental brief but has not done so.

We find that the district court properly computed Cruz-Correa's total offense level and criminal history category and correctly determined the applicable guideline range of seventy-seven to ninety-six months imprisonment. The court's imposition of a sentence within the properly calculated range is not reviewable. United States v. Jones, 18 F.3d 1145, 1151 (4th Cir. 1994).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Cruz-Correa's conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed,

but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED